

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER LINDNER,

Plaintiff

-against-

COURT SECURITY OFFICER (CSO) NEWELL,
CSO MUSCHITIELLO, CSO JOHN DOE #1, CSO
JOHN DOE #2, 2ND CIRCUIT COURT OF
APPEALS CLERK MARGARET LAIN,
ASSISTANT US MARSHAL (USM) JAMES
HOWARD , USM BRIAN MURPHY, USM BETTY
ANN PASCARELLA, WITNESS SECURITY S.
JONES, CONGRESSIONAL AFFAIRS CHIEF D.
DISRUD, US ATTORNEY PREET BHARARA,
USM JOSEPH R. GUCCIONE,

Defendants

Civil Action No. 11 cv 08365 (AJN-MHD)

PLAINTIFF NAMING ALLEGED
CONFIDENTIAL INFORMANT WHO IS
PREPARED TO COMMUNICATE WITH
USDJ NATHAN UNDER SUBPOENA,
PART 1 WITH REDACTED PORTIONS

Date on document given to DOJ OIG: Sunday, April 07, 2013 4:10 PM
Tuesday, April 09, 2013 10:14 AM

| | |
|--|----|
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~~Life and Death Confidential~~

redacted

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Sunday, April 07, 2013 4:10 PM

STATE OF NEW YORK)

: SS.:

COUNTY OF NEW YORK)

~~Life and Death Confidential~~
redacted

PETER LINDNER, being duly sworn, says:

1) **Affidavit Certification**

2) I am the Plaintiff in this action.

3) I make this affidavit on personal knowledge, with the help of my computer files, and to the best of my recollection.

4) **The point of this affidavit:**

- a) As best I know, it is a federal crime to reveal the identity of a federal Confidential Informant (CI).
- b) I have been trying for over 2 years to secure said CI's testimony
- c) I have withheld the name of alleged CI since her life would be in danger

- d) Since the USMS, US Attorney, US DOJ, NYPD, DEA, ATF, Senators Schumer, Gillibrand, Franken (NY, NY, Minn), NY Congresswoman Carolyn Maloney, *et al.* have refused to meet with me as of Friday, April 05, 2013 4:39 PM, I shall name that person known in my filings as Ms. Sally Smith
 - e) The DOJ OIG NY Office said today on Friday, April 05, 2013 4 PM in a 50 minute call that I can meet with a duty agent on Monday, April 8, 2013 at 10am at 1 Battery Park, on the 29th Floor.
- 5) xxxx is the alleged CI Ms. Sally Smith.
- a) She lives in xxxxxx
 - b) I purposely do not know her address, so that I could not reveal it even under torture (which I would yield any and all information with the slightest amount of torture or pain).
- 6) I ask the Court to summon the various personnel, including the DEA/ATF, Ms. Smith, and perhaps Carolyn Maloney's Office to see if any of them tried to stop Ms. Smith from talking to me, or whether Ms. Smith is delusional and has no connection with the DEA/ATF. I don't want to be jerked around, and I don't want the Court to be jerked around. I'm especially angered at the US Attorney's Office for refusing to discuss with me privately with Ms. Smith so that they could verify in person that she was telling the truth that she testified for the SDNY US Attorney in a federal case.
- 7) I plan to give an unredacted version of this along with a photograph (and thus true name) of Ms. Sally Smith's ID with broken left bottom corner to the DOJ OIG in NYC on Monday, April 8, 2013 at 10am to the Duty Officer, as confirmed in a 40-50minute conversation from my phone to the Duty Officer who refused to give his badge # and OIG William Cella on Friday, April 5, 2013.
- a) To authenticate: the sum of the digits taken 1 digit at a time (e.g. 123 456 would sum to be 21) on the bottom of the ID Card of Ms. Smith that are whole (and not ripped by the broken card) is 57.
 - b) I shall also give several emails, copies of signed documents by Ms. Smith, and a series of statements (some notarized) for authenticity.
- 8) From this point on (item #8), was not given to Sr. Special Agent Modano and Special Agent Kerwin John at Dept of Justice, Office of Inspector General, 1 Battery Park Place, 29th floor on Monday, April 8, 2013, since I gave them what I had that contained the whole text including **"Life and Death Confidential"** original and a photo of the **photo ID Card of Ms. Sally Smith.**
- 9) I gave the Photo ID Card so that DOJ OIG could
- a) verify the identity of Ms. Smith with the NY State authorities
 - b) check whether DEA/ATF used Ms. Smith as a Confidential Informant (CI)
 - c) check if "Johnnie O" and "Ritchie" work for the NYC location of the federal Law Enforcement Office DEA/ATF
 - d) contact the Assistant US Attorney whom Ms. Smith said the (description omitted here, but given verbally to Agents Modano and John) US Attorney shook hands with Ms. Smith after / while Ms. Smith testified on a case in SDNY at 500 Pearl Street.

- e) Determine whether the AUSA from 9)d) was aware that 3 men approached Ms. Smith to suborn perjury, specifically that she falsely claim that she heard me (Peter Lindner) say that I would plan to physically injure USDJ Richard Sullivan
- f) Determine whether the DEA/ATF did offer methamphetamines to Ms. Smith
- g) Determine whether the DEA/ATF said they'd withhold money owed to Ms. Smith unless she ceased cooperating with me (Peter Lindner) in my legal suit
- h) Check with Ms. Smith if she was offered a large sum of money, possibly \$100,000 to act against me (Lindner)
- i) Determine whether Ms. Smith was instructed to go to me and then falsely file a report with the NYPD that I stole her photo ID, when in fact Ms. Smith gave it to me to hold, and that Ms. Smith did indeed call 911 but altered her instructions to say that I (Lindner) did not return her photo ID
- j) Check whether the NYPD responded to the 911 call and spoke to Ms. Smith about the (falsely claimed) matter in 9)j).
- k) Whether Ms. Smith worked with / for the DEA/ATF for over ten (10) years
- l) Pierce the secrecy of the DEA/ATF for alleged wrongdoing and active mischief directed against me
- m) Check if the DEA/ATF referred to me (Lindner) by the code name "Benedict Arnold"
- n) Find out if Congresswoman Carolyn Maloney's Office did indeed contact the mother of Ms. Smith, perhaps in violation of 18 USC § 1512(b)(3)
- o) Whether NYPD Detective Brehm knew Ms. Smith from prior CI contacts
- p) Enquire whether the form for Ms. Smith from me to get information for this instant case of 11cv8365 was torn up / crumpled to a ball by the DEA/ATF in front of Ms. Smith and told that (words to the effect of) "You can tell Lindner he shove this form up his ass," which is a violation of 18 USC § 1512(b)(3) on knowingly attempting to hinder, delay or influence a witness or evidence of a possible criminal act to a US Judge
- q) Check if the DEA/ATF did forward to the USMS the 2nd such form after the incident above in 9) p) which allegedly Ms. Smith signed and gave to the DEA/ATF officer
- r) Determine whether the DEA/ATF was aware or helped initiate or used information of a tap on Lindner's phone (home or cell)
- s) Check if the DEA/ATF instructed Ms. Smith to plant child porn on Lindner's computer, which would be a frame up of Lindner
- t) Check with DEA/ATF and Ms. Smith whether the DEA told Ms. Smith
 - i) That Lindner had gone through Ms. Smith's cell phone for contact names and phone numbers
 - ii) That Lindner methodically called said phone numbers and told the people that Ms. Smith was a CI, thus purposely
 - (1) Endangering Ms. Smith's life
 - (2) Violating federal law on exposing a CI
 - iii) That the DEA/ATF had proof of items 9)t) subitems i) & ii), but could not reveal it to Ms. Smith
- u) Check whether I (Lindner) told the truth that I did not (repeat: **not**) methodically
 - i) go through Ms. Smith's cell phone
 - ii) call Ms. Smith's several contacts, who were not acquaintances nor friends of Lindner, to unmask / reveal / destroy the cover of Ms. Smith as a CI
- v) Confirm that the DEA/ATF refused to meet with me (Lindner) regarding Ms. Smith
- w) Check if the 2nd Circuit Court of Appeals did indeed have a videotape of me interacting with CSO Newell and CSO Muschitiello

- x) Interview CSO Muschitiello to see if he can corroborate that CSO Muschitiello witnessed
 - i) CSO Newell shaking hands with me (Lindner) after apologizing for hitting me
 - ii) That CSO apologized for not giving me his name, which I (Lindner) rejected as not the reason "I am angry at you", and then that
 - iii) CSO Newell amended his apology to say that he was sorry that he (CSO Newell) hit me
- 10) I asked DOJ OIG Agents Modano and John (and thus their boss Bill Cella) whether
- a) USMS Guccione violated DOJ internal guidelines on high value government officials accused of wrongdoing by informing USDJ Sullivan of my letter naming USDJ Sullivan as a possible lawbreaker in witness tampering under 18 USC § 1512(b)
 - b) USMS General Counsel wrote "under the penalty of perjury" two inconsistent statements compared to the "THIRD DECLARATION OF GERALD M. AUERBACH" signed Oct 12, 2012.
 - c) The **DOJ OIG letter to the USMS was purposely not logged, indexed nor replied to** by the USMS in violation of internal DOJ guidelines. This letter is reproduced in " Case 1:11-cv-08365-AJN-MHD Document 50-1 Filed 09/19/12 Page 8 of 17 "
 - d) USDJ Sullivan violated 18 USC § 1512(b)(3) by both
 - i) threatening me with contempt of court for my letter to USMS Guccione about a possible federal crime to a federal Law Enforcement Officer, and
 - ii) doing so knowingly since I informed within 24 hours USDJ Sullivan that His Honor's ORDER was illegal and that USDJ Sullivan had been aware of 18 USC § 1512(b) by His Honor's dealings with me in the prior months
 - e) I (Lindner) spoke to 2 USMS agents in the SDNY (lunchroom) and
 - i) mentioned a matter which I thought may violate USDJ Sullivan's OSC (ORDER to Show Cause) and that
 - ii) the US Marshals told me not to tell them.
 - f) USDJ Sullivan spoke to CI Sally Smith on 2 occasions according to Ms. Smith, and that USDJ Sullivan asked about me, which is a violation of ex parte communications.
 - i) This can be determined by asking Ms. Smith under oath
 - ii) Having the US DOJ enquire whether a meeting was arranged between USDJ Sullivan and my witness Ms. Sally Smith
 - iii) Whether such a meeting is illegal under any DOJ rules, especially without having one of the adversary parties (me, Lindner) there in such communications
 - g) the USDJ Sullivan controversy was manufactured to make it look like I threatened USDJ Sullivan or whether it was based on solid information (including a sworn statement)
 - h) a wiretap was legally applied for or sought under US Law (including FISA and pre-9/11 statutes / protocol), and
 - i) what were the results of said wiretap
 - ii) if a wiretap was at any time put on my (Lindner's) phone(s)
 - i) DEA/ATF told or instructed Ms. Smith to not talk to me on any subject
 - j) What is the basis for ATF involvement with me, since I do not smoke tobacco nor do I own a firearm
- 11) Item #10)e)ii) thus fulfilled the (unnecessary) requirement that it was a **successful** attempt to hinder, delay, influence, stop communication to a federal Law Enforcement Officer, and **not** merely an attempt (which is also a crime punishable by up to 20 years' imprisonment under 18 USC § 1512(b)(3)).

12) I asked the two DOJ OIG agents Modano and John why

- a) CSO Newell could lie with such impunity, risking prison, unless Newell were confident that the USMS would cover his lie, and
- b) the USMS would lie that there are no videotapes,
- c) the USMS was also confident that the US District Judge would not allow subpoenas to determine their lies, and that
- d) the Assistant US Attorney Harwood would not allow me to get subpoenas, nor meet with me, despite the rule that within 90 days of the Defendant(s) getting their notice of my federal complaint in 11 cv 8365 *Lindner v. CSO Newell, et al.* I should be able to get a discovery schedule and start discovery, as a part of due process.

13) That under the US Constitution's "due process" I should have been allowed to subpoena the witnesses several months ago, and not have it short-circuited by Your Honor's ORDER to dismiss my case.

14) I ask Your Honor to recuse Your Honor's self for

- a) delaying the scheduling of discovery, and
- b) thwarting the issuing of subpoenas by me
- c) not allowing these **questions of fact** (not of law) to be decided by the ultimate decider of the facts – that is to say, the jury – decide that CSO Muschitiello was lying in my Sep 10 filing entitled " Plaintiff Motion Requesting Full Hearing 1) On This Matter Which Requires Redaction, 2) Possible USMS Perjury And Also 3)Plaintiff Response To Motion To Dismiss " filed as " Case 1:11-cv-08365-AJN-MHD Document 64 Filed 09/19/12 [with] 25 Pages"
- d) possibly having conversations *ex parte* with **anyone** regarding this case, including federal Judges or Officers of the Court, as is strictly codified by the US Judicial Counsel and possibly by federal law. As best I know, if a case is talked to a fellow judge, the reasons must be documented and held to a strict level of formality.

15) I ask that Your Honor reconsider the ORDER #90 "Case 1:11-cv-08365-AJN-MHD Document 90 Filed 03/26/13" in several parts:

- a) For not granting IFP (In Forma Pauperis), when my financial condition clearly merits IFP and that it is being done for bureaucratic rather than financial reasons
- b) For not allowing discovery to go forth, when Your Honor was aware that the USMS General Counsel Auerbach's "THIRD DECLARATION OF GERALD M. AUERBACH" signed Oct 12, 2012 was inconsistent with his 1st and 2nd declarations of #40 and #57 and thus suspect if not outright perjury, and thus also a violation of NY Judiciary §487 on "intent to deceive" any Court in NY State. The two prior declarations are "Case 1:11-cv-08365-AJN-MHD Document 40 Filed 07/16/12 Page 1 of 1" and "Case 1:11-cv-08365-AJN-MHD Document 57 Filed 09/22/12 [with] 20 [pages]" , respectively.
- c) For not accepting my sworn affidavits that I believe beyond a reasonable doubt that US Marshal Howard lied about there not being a videotape
- d) For not accepting the sworn facts CSO Muschitiello did witness CSO Newell
 - i) hitting me,
 - ii) apologize for not giving his name
 - iii) my telling Newell that that was not why I was angry

- iv) telling me he was sorry for hitting me
- v) shaking hands with me
- e) For not allowing a routine case of discovery to go forward
- f) For exonerating the entire panoply of federal Law Enforcement Officers by granting dismissal with prejudice to them
- g) For allowing the USMS failure to serve the documents to Disrud to allow the USMS to be removed for having their own failure allow a defendant to escape accountability
- h) For calling me (Lindner) litigious on "Page 19 of 20" of ORDER 90, when in fact I was seeking to redress claims, which stemmed from being hit in the 2nd Circuit Court of Appeals by CSO Newell, which is a violation of the 4th Amendment on rights and also a violation of Court protocol inside the Courthouse – a agent of the USMS and also of a sworn agent of the USMS should speak to someone, and threaten to have them (me) removed for (rowdy? unruly? inquisitive?) behavior rather than physically assault them (me).
- i) For not allowing the ultimate deciders of the facts – the Jury – to be able to ascertain whether I indeed was hit and that CSO Newell did lie, and that the USMS did act as accomplices after the fact:
 - i) For hiding / lying / destroying the videotapes of the incident
 - ii) For disregarding the Sep. 13, 2010 letter from DOJ OIG in "Case 1:11-cv-08365-AJN-MHD Document 50-1 Filed 09/19/12 Page 8 of 17"
 - iii) For not "recording", "indexing" the letter from DOJ OIG of Sep 13, 2010, in violation of USMS General Counsel Auerbach's sworn affidavits #1 and #2
 - iv) For not replying to me on any inconsistencies or omissions in my complaint against USDJ Sullivan and CSO Newell by saying that I missed including the dollar amount, thus rendering the complaint void, which is not true and is a violation of DOJ guidelines as best I know and as I have experienced when I submitted an incomplete 3rd filing in 2012 to the USMS.
 - v) For not allowing me to determine why the FBI did also not respond to the DOJ OIG letter of Sep 13, 2010, and also the FBI refused to provide an index number, and refused to even say that such an index number existed.
- j) That these actions by the USMS and CSO and FBI were matters of intentional delay and bad faith toward me, rather than vice versa.
- k) For falsely claiming that I am litigious and experienced citing my suits with American express (excerpt from Your Honor's ORDER 90) below, when
 - i) for a single lawyer Robert Herbst in 06cv3834 charged me \$20,000 just to overturn what Judge Koeltl ruled was a non-binding oral agreement, and
 - ii) that the named defendant Qing in 06cv3834 *Lindner v American Express and Qing Lin* took 4 years to admit under oath that he violated an out-of-court settlement of June 2000 between Amex and me (" June 2000 Amex-Lindner Contract") and
 - iii) that the Amex VP and General Counsel's Jason Brown, Esq. did cover up for Qing (and the other Amex Executives) when Brown, Esq. knew that Qing violated the contract by telling me that in Feb2006.

Plaintiff is an experienced litigator, having brought six actions (including the present one) in this district, four of which were commenced in the past two and one-half years. *See Lindner v. Blit*, No. 12-CV-2734 (S.D.N.Y. 2012); *Lindner v. American Express Co.*, No. 10-CV-2267 (S.D.N.Y. 2010); *Lindner v. American Express Co.*, No. 10-CV-2228 (S.D.N.Y. 2010); *Lindner v. American Express Corp., et al.*, No. 06-CV-3834 (S.D.N.Y. 2006), *Lindner v. IBM*, No. 06-CV-4751 (S.D.N.Y. 2006). Plaintiff represented himself *pro se* for the entire duration of four of these actions and for parts of the other two.

- 16) I hereby state under oath that I am not qualified to handle this case, and that I regard it in my political opinion as a "Watergate" class coverup by the Executive Branch of the US (specifically the USMS) and with the knowing interference of USDJ Sullivan.
- 17) I specifically note that USDJ Sullivan spoke to CI Sally Smith on 2 occasions according to Ms. Smith, and that USDJ Sullivan asked about me, which is a violation of ex parte communications.
- 18) I determined from the SDNY Pro Se Office and from SDNY's David Ng (Supervisor of Records Management) that 4 documents (below) are not in the file:
 - a) #74, #77, #83, #85
 - b) And from SDNY Pro Se Office that numbers 74 and 85 are not on the system that they can only see displaying the message: "Warning. This document is restricted to Court users only"
- 19) I determined from the SDNY Pro Se Office USMS General Counsel Auerbach's Third Allegation is not in the file, when it is the paper trail that shows alleged perjury by USMS General Counsel Auerbach, which is a federal crime and in NY State also a criminal misdemeanor under NY Judiciary §487 on "intent to deceive" any Court in NY State.

20) Given

- a) the gravity of my accusations and
- b) the dilatory why Your Honor has handled this case
 - i) in violation of SDNY local rules and
 - ii) speedy trial provisions and
- c) clear evidence of inconsistent and possibly perjuries by
 - i) CSO Newell,
 - ii) USMS General Counsel Auerbach,
 - iii) US Marshal Howard, and
 - iv) Your Honor's false labeling me as litigious when different events have happened to me (specifically: if someone hit Your Honor in the 2nd Circuit Court of Appeals as CSO Newell did, it would be a serious criminal offense) that need addressing,
- d) **I therefore ask that Your Honor**

- i) reverse ORDER #90,
 - ii) commence discovery,
 - iii) give me my subpoena power which should have been granted over half a year ago
 - iv) allow the ultimate deciders of the facts (the Jury) to determine if my allegations are correct,
 - v) make a finding that USMS General Counsel Auerbach did violate NY Judiciary §487 on “intent to deceive” any Court in NY State (allowing me to sue in a separate Court for treble damages), allow me to later appeal IFP, and find a different Judge to handle my case.
- 21) I also swear that I have contacted many legal organizations (ACLU, NYCLU, etc.) and many private practitioners (perhaps over 50 people/firms) via phone or email for representation and help, and have been turned down, except for a \$250 charge by a gentleman who works for the Court System (as a stenographer?) to proof read part of a single document.
- a) I also spoke to a California lawyer who refused to even talk about my case unless I got a sworn statement from Ms. Sally Smith, which Ms. Smith said she was instructed by the DEA/ATF not to give me.
- 22) I note that it is hard to prove someone violated the law, and harder still to prove a lawyer violated the law (e.g. USMS General Counsel Auerbach, Esq.), and still harder to prove or get a hearing from a lawyer or to prove that a US District Judge (USDJ Sullivan) should be impeached.
- a) Even though the proof of USDJ Sullivan violating 18 USC § 1512(b)(3) is in the public record in 06cv4751 *Lindner v IBM, et al.*
 - b) And that only under 10 Judges have been removed via impeachment since the founding of the USA some 200 years ago.

Sworn and notarized

By: _____

Peter Lindner
Plaintiff, *Pro Se*

1 Irving Place, Apt. G-23-C
New York, New York 10003
Home/ Fax: 212-979-9647
Cell: 917-207-4962
Email: nyc10003@nyc.rr.com

Dated: New York, NY the 9th Day of April, 2013

Sworn to before me

This _____ Day of April, 2013

Notary Public

Attachment 1: REDACTED Plaintiff's Witness Ms. Sally Smith handwritten 1 page affidavit Outline

1. Threats upon Peter Lindner's life and that of Ms. Sally Smith
2. Planting child porn in Peter's apartment
3. Asking Ms. Smith to perjure herself by falsely saying Peter Lindner threatened USDJ Sullivan.

① [REDACTED] Peter Lindner's life [REDACTED]

② child [REDACTED]

③ [REDACTED] Sullivan [REDACTED]

④ [REDACTED] Stay away

⑤ Trouble [REDACTED]

⑥ [REDACTED] Arnold

4. Ms. Smith is instructed / warned to stay away from Peter Lindner

5. Trouble is threatened to Ms. Smith

6. Peter's code name is "Benedict Arnold" – the traitor of the USA

Saturday, November 10, 2012 1:29 AM

Peter Lindner hereby swears that this is a true REDACTED scan of the handwritten draft for Ms. Sally Smith's affidavit to USDJ Nathan about possible federal crimes witnessed by her, including framing Lindner with child porn, threatening the life of Ms. Smith and Mr. Lindner, inducing perjury to frame Lindner for doing / harming USDJ Sullivan from 06cv4751 *Lindner v IBM, et al.*, Congresswoman Carolyn Maloney instructing the DEA/ ATF to make Ms. Smith stay away from Lindner (in violation of 18 USC § 1512(b)(3)), and using the code name "Benedict Arnold" for Lindner in cell phone communications.

Sworn and notarized

Dated: the ____ Day of November, 2012
New York, NY

By: _____
Peter Lindner
Plaintiff, Pro Se
1 Irving Place, Apt. G-23-C
New York, New York 10003
Home/ Fax: 212-979-9647
Cell: 917-207-4962
Email: nyc10003@nyc.rr.com

/s/ xxxx
[which is real name of Ms. Sally Smith]

On 23 Oct 2012

Oct [REDACTED] 23

Sworn to before me

This ____ Day of November, 2012

Notary Public
NYC, NY

Attachment 2: REDACTED Plaintiff's Witness Ms. Sally Smith typed 1 page affidavit that Ms. Smith was dissuaded from having notarized

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

being duly sworn, says:

- 1) Peter Lindner's life being threatened, roughly 1 ½ to 2 years ago. Well, it's sort of both of ours, really. Something would happen to us if things didn't calm down. I know who it is, but I can't say who it is. I don't want to say anything more about it in this document.
- 2) Child porn being planted. I was asked to put child porn somewhere in Peter's house, anyplace. It was a physical document. They just told me. "They" means people that I don't want to indicate who it is, because I don't need problems.
- 3) To perjure myself about Peter threatening USDJ Sullivan and I should stay away. I can't respond to that either, due to it being problematic to my life. It was not a private citizen. It happened by the side entrance, which was not the one by the Chinatown playground. It was 3 people, non-civilian. It was outside by the smoking area – that's exactly where it happened. I think it's the only smoking area.
 - a) "things will be problematic for" me -- but I don't want to say more.
 - b) They got more aggressive to me for the next few weeks.
- 4) Calling Peter Lindner "Benedict Arnold" – a traitor. I can not comment beyond that.
- 5) I don't want to comment any more on this.

Sworn as true.

By: _____ Dated: on the _____ day of October, 2012
 New York, NY

Attachment 3: Plaintiff unaltered handwritten 11 page affidavit

| | |
|---|---|
| SDNY US FEDERAL COURT PETER LINDNER CSO NEWELL, ET AL. | 2011 CV 8365 (USDCJNATHAN) PAGE 1 OF 11 11/1/2012 |
|---|---|

STATE OF NEW YORK }
COUNTY OF NEW YORK } SWORN
AFFIDAVIT
OF
PETER W. LINDNER

1) I, Peter W. Lindner, do hereby swear that this declaration is true and correct, to the best of my knowledge.

2) AT OR ABOUT 2:30-3:30 PM I RECEIVED A CALL FROM MS. SALLY SMITH (A PSEUDONYM) WHO SAID SHE "CAN'T GET INVOLVED" IN THE NOTARIZING, WHICH I HAD ASKED HER TO GET HER PASSPORT FROM THE [AGENCY NAME WITHHELD/REDACTED] PEOPLE HOLDING HER US PASSPORT.

3) MS. SMITH MAY HAVE BEEN TALKED TO/DISSUADED BY "THE BOYS" AT SAID AGENCY, WHO LAST WEEK OSTENSIBLY WITHHELD THE PASSPORT SAYING THE

[Note: CM/ECF size limit of 4meg exceeded by 10 meg, so hand written 11 page attachment is removed and put in a separate document for that reason only. Sunday, November 11, 2012 6:48 PM]

Attachment 4: 18 USC § 1512(b)(3) on Witness Tampering

Basically, what Congresswoman Carolyn Maloney and the DEA/ATF are doing to my witness Ms. Sally Smith is "**Tampering with a witness, or an informant**" which is punishable by being "imprisoned not more than 20 years " and says that "**(b)** Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to—

(A) withhold testimony, or withhold a record... from an official proceeding;

...

(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, ...in an official proceeding; or

...

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense

shall be fined under this title or imprisoned not more than 20 years, or both. "

Here's the full text:

"18 USC § 1512 - Tampering with a witness, victim, or an informant

...

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to—

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D) be absent from an official proceeding to which such person has been summoned by legal process; or

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation ^[1] supervised release,, ^[1]parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

..."

<http://www.law.cornell.edu/uscode/text/18/1512>

Attachment 5: REDACTED Letter to lawyer that Congresswoman Maloney threatened me with Capitol Police

From: nyc10003@nyc.rr.com

Sent: Monday, July 19, 2010 10:46 PM

To: xxxxxx

Subject: Fwd: Proof I was called by Rep. Maloney 7/17/2010

Dear xxxxxxx:

I take on the big boys (like USDJ Sullivan), but I sort of draw the lines at cops -- and now Congressman Maloney.

Her aide told me that I should stop harassing Rep. Maloney and that she called the Capitol Police. Today I got a call from her office as you can see from the photo -- perhaps to tell me good news, or perhaps a wrong number from them, or perhaps to re-inforce that I was not to visit there tomorrow as I originally planned to do on Tue, Jul 20, 2010 at 5:30 pm to talk to about the ORDER #130 and the law 18 USC section 1512(b)(3) for a total of 10 pages.

But, I don't want to call to find out I violated a direct order not to call Rep. Maloney, even if her caller ID showed up on my phone.

What do you suggest?

Regards,
Peter

Attachment 6: Scan of Notary Seal & Signature

Notary was in blue ink by Peter Lindner on pages ____:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER LINDNER,

Plaintiff

-against-

COURT SECURITY OFFICER (CSO) NEWELL,
CSO MUSCHITIELLO, CSO JOHN DOE #1, CSO
JOHN DOE #2, 2ND CIRCUIT COURT OF
APPEALS CLERK MARGARET LAIN,
ASSISTANT US MARSHAL (USM) JAMES
HOWARD , USM BRIAN MURPHY, USM BETTY
ANN PASCARELLA, WITNESS SECURITY S.
JONES, CONGRESSIONAL AFFAIRS CHIEF D.
DISRUD, US ATTORNEY PREET BHARARA,
USM JOSEPH R. GUCCIONE,

Defendants

Civil Action No. 11 cv 08365 (AJN-MHD)

AFFIRMATION OF SERVICE

Date on document given to DOJ OIG: Sunday, April 07, 2013 4:10 PM

Tuesday, April 09, 2013 10:14 AM

Affirmation Of Service:

I, Peter W. Lindner, declare that I have served

- 1) a whole text "**Life and Death Confidential**" **original** of the attached "Plaintff Naming Alleged Confidential Informant Who Is Prepared To Communicate With USDJ Nathan Under Subpoena, Part 1 With Life And Death Information To Be Sealed " dated April 7, 2013 DOJ OIG NYC was given in person at 10:20am-12:30pm the unredacted version along with other information including a photo ID of Ms. Sally Smith, personally handed to Agent Steve. These were **without redactions.**
- 2) A redacted version entitled "Plaintiff Naming Alleged Confidential Informant Who Is Prepared To Communicate With USDJ Nathan Under Subpoena, Part 1 **With Redacted Portions** " [**emphasis** added] was / will be filed electronically on Pacer, and/or mailed or emailed or fedex'ed

upon these people whose addresses are below:

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2) William Cella, Asst.Special Agent in
Charge
c/o Senior Special Agent Guido Modano

and c/o Special Agent Kerwin John
DOJ OIG
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6) U.S. Marshals Service
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9) Senator Gillibrand, Kirsten E. - (D - NY)
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By: _____ Dated: New York, NY on 9th Day of April, 2013

Peter Lindner
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redacted

~~Life and Death Confidential~~